

IN THE UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF MISSOURI  
(KANSAS CITY)

In Re:	)	
	)	Case Number: 10-45064
ANTHONY WAYNE BARNHART, JR.,	)	
	)	
Debtor.	)	
	)	Chapter 7
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ANTHONY WAYNE BARNHART, JR.,	)	
	)	
Plaintiff,	)	
v.	)	
	)	Adversary No.: 13-04184
U.S. DEPARTMENT OF EDUCATION,	)	Honorable Cynthia A. Norton
AMERICAN EDUCATION SERVICES,	)	
SALLIE MAE SERVICING L.P.,	)	
NEL-NET, INC, MOHELA, ECMC,	)	
METROPOLITAN COMMUNITY COLLEGE,	)	
Defendants.	)	

**MOHELA'S MOTION TO DISMISS, OR IN THE ALTERNATIVE, TO REQUIRE A MORE  
DEFINITE STATEMENT ON BEHALF OF MOHELA**

COMES NOW The Higher Education Loan Authority of the State of Missouri ("MOHELA"), by its counsel, and moves to dismiss the Complaint filed by Plaintiff/Debtor pursuant to Fed.R.Civ.P. 12(b)(6), made applicable to this adversary proceeding by Fed. R. Bankr.P. 7012(b) or IN THE ALTERNATIVE, to require a more Definite Statement, and states:

1. On November 5, 2013, Plaintiff/Debtor filed an adversary proceeding ("**Complaint**") seeking a determination that payment of Plaintiff/Debtor's student loan debt, would impose an undue hardship pursuant to 11 U.S.C. §523(a)(8).

2. Plaintiffs/Debtors' Complaint fails to state a claim upon which relief can be granted pursuant to Rule 12(b)(6), made applicable to this adversary proceeding by Fed. R. Bankr.P. 7012(b), and it fails to meet the undue hardship criteria under 11 U.S.C. §523(a)(8) of the Bankruptcy Code.

3. A Memorandum of Law in Support of this Motion is filed contemporaneously herewith and incorporated by reference.

WHEREFORE, Defendant MOHELA prays that this Court enter an order dismissing Plaintiff's Complaint pursuant to Fed.R.Civ.P. 12(b)(6) because the Complaint fails to state a claim for which relief can be granted or, IN THE ALTERNATIVE, for Plaintiff to provide a more definite statement with respect to MOHELA, and for such further relief as the Court deems proper in the premises.

Respectfully submitted,

KRAMER & FRANK, P.C.

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